

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

KEVIN JEROME MOORE,

Plaintiff,

v.

CORIZON,

Defendant.

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No. 4:21-cv-1381-SEP

MEMORANDUM AND ORDER

This matter is before the Court on review of Plaintiff's filings. On November 22, 2021, Plaintiff Kevin Jerome Moore, an inmate at the St. Louis City Justice Center, initiated this action by filing a Civil Rights Complaint against Defendant Corizon. Doc. [1]. He also filed a Motion for Leave to Proceed *in forma pauperis*, Doc. [2], which the Court granted. On February 18, 2022, the Court reviewed Plaintiff's Complaint pursuant to 28 U.S.C. § 1915(e)(2) and determined it was defective and subject to dismissal. Doc. [6] at 3. The Court instructed Plaintiff how to prepare his amended complaint and cautioned him that failure to timely comply could result in the dismissal of his case without prejudice and without further notice. *Id.* at 5.

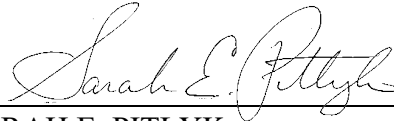
Plaintiff's amended complaint was due to the Court on March 21, 2022. *Id.* at 5. To date, he has neither filed an amended complaint nor sought additional time to do so. The Court gave Plaintiff meaningful notice of what was expected, cautioned him that his case would be dismissed if he failed to timely comply, and gave him additional time to comply. *See id.* Therefore, this action will be dismissed without prejudice due to Plaintiff's failure to comply with this Court's February 18th Order and failure to prosecute this case. *See* Fed. R. Civ. P. 41(b); *see also Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) ("A district court has the power under Fed. R. Civ. P. 41(b) to dismiss an action for the plaintiff's failure to comply with any court order . . ."); *Dudley v. Miles*, 597 F. App'x 392 (8th Cir. 2015) (per curiam) (affirming dismissal of *pro se* litigant's complaint under Fed. R. Civ. P. 41(b) for failure to file an amended complaint). The dismissal will not count as a "strike" for purposes of 28 U.S.C. § 1915(g).

Accordingly,

IT IS HEREBY ORDERED that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

IT IS HEREBY CERTIFIED that an appeal from this dismissal would not be taken in good faith.

Dated this 2nd day of May, 2022.

A handwritten signature in black ink, reading "Sarah E. Pitlyk", is written over a horizontal line.

SARAH E. PITLYK
UNITED STATES DISTRICT JUDGE